

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
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GEORGES YVES CELIFIE,

Petitioner,

-against-

HOMELAND SECURITY (BICE),

Respondent.

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AMON, United States District Judge:

MEMORANDUM & ORDER

04-CV-1909 (CBA)

Georges Yves Celifie, proceeding pro se, filed this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 on May 6, 2004. The petition seeks to challenge Celifie's indefinite detention by the Bureau of Immigration and Customs Enforcement ("BICE") pending his deportation pursuant to a final order of removal. At the time the petition was filed, Celifie had allegedly been in BICE custody for longer than six months and had not been afforded a post-order custody review as required by law. In opposition papers filed on July 8, 2004, respondent informed the Court that Celifie was released from BICE custody on May 26, 2004 pursuant to a post-order custody review. (Maguire Decl. ¶ 24.) Respondent therefore argued that Celifie's challenge to his detention is moot and should be dismissed. (Resp.'s Mem at 17.) Celifie did not address this argument in his response papers of August 20, 2004, which were filed in conjunction with this case as well as a second pending habeas action. The arguments raised in Celifie's response papers dealt exclusively with matters pertaining to the latter action.

Because Celifie's release from BICE custody afforded him all the relief sought in this case, the petition is dismissed as moot. A certificate of appealability will not issue, as petitioner has not made a substantial showing of the denial of a constitutional right. See 28 U.S.C. § 2253 (c)(2); Lozada v. United States, 107 F.3d 1011 (2d Cir. 1997), abrogated on other grounds by United States v. Perez, 129 F.3d 255, 259-60 (2d Cir. 1997). The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal would not be taken in good faith and therefore *in forma pauperis* status is denied for purposes of an appeal. See Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Carol Bagley Amon
United States District Judge

Dated: Brooklyn, New York
June 9, 2005